IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL No. 1739 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 05/08/2004 in WP No. 13754 OF 2004 on the file of the High Court.)

Between:

1. Papigari Chendraiah, S/o. Late Narsaiah,
Thimmasanipally Village, Mahabobnagar Mandal, and District.
2. Papigari Sayamma, W/o. Late Chinna Narsaiah,
Thimmasanipally Village, Mahabobnagar Mandal, and District.
3. Papigari Venkataiah, S/o. Late Naganna,
Thimmasanipally Village, Mahabobnagar Mandal, and District.
4. Papigari Srinivaslulu S/o. Venkataiah,
Thimmasanipally Village, Mahabobnagar Mandal, and District.

..... APPELLANTS

AND

1. The State of A.P., represented by its Principal Secretary, L.A., Division, Secretariat, Hyderabad.
2. The Collector, Mahaboobnagar District Office at Mahaboobnagar.
3. The Revenue Divisional Officer-cum-Land Acquisition Officer, Mahaboobnagar Division, at Mahaboobnagar.
4. The Mandal Revenue Officer, Mahaboobnagar Mandal, Mahaboobnagar District.
5. The President of Non-Gazetted Officers Co-operative House Building Society, Srinivasanagar Colony,
Mahaboobnagar of Mahaboobnagar District.
6. Smt. K. Venkata Laxmamma, W/o. V. Bheemaiah,
C/o. V. Bheemaiah Advocate, Mahaboobnagar.
7. Smt. K. Vijayalaxmi Devi, W/o. Late Balreddy,.
C/o. V. Bheemaiah Advocate, Mahaboobnagar.

.....RESPONDENTS

Counsel for the Appellant: Mr. M.DAMODAR REDDY

Counsel for Respondent Nos.1 to 4: GP FOR LAND ACQUISITION

Counsel for Respondent Nos. 5& 6: None appeared.

Counsel for Respondent No.7: Mr.Y.Raji Reddy.

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

On 23.11.2004, a detailed order was passed. Pursuant to the said order, respondents 6 and 7 appeared and filed affidavit in reply.

The present Appeal arises out of an order passed by the learned Single Judge dismissing the writ petition filed by the appellants, wherein the only prayer made was to direct the respondents 2 to 4 to restore the possession of the land in Survey No.205 to the extent of Ac.3.22 guntas and Survey No. 206 to the extent of 29 guntas, situated at Yenugonda village, Mahaboobnagar Mandal.

After acquisition proceedings were initiated, possession thereafter was taken by the respondents, and after possession was taken over, the land stood vested in the respondent-State, whereafter it was not utilized for the purpose for which it was acquired and there is no right vested in the writ petitioners to seek restoration of the land. For that reason, we are not inclined to interfere in the order passed by the learned Single Judge.

The submission of the writ petitioner-appellants is that there was a dispute as

regards the apportionment and the same was sought to be referred to the Civil Court. Later on, when the Reference was made, the Senior Civil Judge, Mahabubnagar closed the reference. In the meanwhile, supplementary award had been made, which was set aside in a writ petition. Consequently, CC No.781 of 2002 was filed, which was closed by the order of the Court on the representation of the respondents that the reference was being forwarded. Learned counsel for the appellants states that reference has not been forwarded.

Since, there is no prayer in the writ petition against which present appeal has been filed as regards the grievance that the reference has not been forwarded and respondents 6 and 7 have not deposited the amount, we reserve liberty to the appellants to take such appropriate steps as may be permissible in law in pursuing their remedy for having the reference made as regards the apportionment of the amount.

The Writ Appeal stands dismissed. No costs.

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DEVINDER GUPTA, C.J.

14.3.2005.

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B.SESHASAYANA REDDY, J.

VR.

To

1. The Principal Secretary to Government of A.P., Land Acquisition Division, Secretariat, Hyderabad.
2. The Collector, Mahaboobnagar District Office at Mahaboobnagar.
3. The Revenue Divisional Officer-cum-Land Acquisition Officer, Mahaboobnagar Division, at Mahaboobnagar.
4. The Mandal Revenue Officer, Mahaboobnagar Mandal, Mahaboobnagar District.

5. Two CCs to Government Pleader for Land Acquisition, High Court Buildings, Hyderabad (OUT).

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